

**REMARKS**

Claims 1-21, 24-33 and 37 are currently pending.

Claims 6, 7, 9, 10, 15, 16 18, 19, 22-23, 25-29 and 34-36 have been canceled and the cancellation is without prejudice or waiver.

Claims 1-3, 8, 11-13, 17, 20-21, 24, and 30 are currently amended.

Claims 4-5, 14, 31-33 and 37 were previously presented.

The following additional remarks addresses all of the Examiners objections and rejections as outlined by paragraph numbers in the outstanding office action.

**ELECTION/RESTRICTION**

The non-elected claims have now been canceled without prejudice or waiver and they will be the subject of a divisional application.

**SPECIFICATION**

Regarding the objection to the abstract (page 3 of the office action), a new abstract was in effect submitted with the last amendment. The PAIR page of the Patent Office clearly shows that an abstract was filed.

**CLAIM OBJECTIONS**

The withdrawal of the objections to claims 29-33 and 37 is acknowledged.

**DOUBLE PATENTING**

The withdrawal of the double patenting rejection is acknowledged.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH**

Applicant believes that by amending the claims to specifically include green fluorescent protein and mutants thereof that all of the rejections to the claims under the written description have been addressed by the amendments to the claims and therefore withdrawal of the rejection is respectfully requested. Support for mutants thereof is found in page 47, Example 8.

**SUMMARY AND CONCLUSION**


Entry and consideration of the present amendment, reconsideration of the outstanding office action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Any amendment to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

In view of the above amendments and remarks, it is respectfully submitted that the claims are now in condition for allowance. The Examiner is invited to contact the undersigned at 703-418-2777 if he feels that further discussion may facilitate the resolution of any outstanding issues.

An early indication of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

  
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